

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MICHAEL A. JOHNSON,

Plaintiff,

v.

Case No. 06-10939  
Hon. Sean F. Cox

JAMIE FOXX, SONY RECORDS CORP.,  
J RECORDS, FACE PRODUCTIONS, and  
BMG/SONY ENTERTAINMENT,

Defendants.

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**ORDER**

This matter is before the Court following an Order to show cause why Defendant Face Productions should not be dismissed for Plaintiff's failure to prosecute. Plaintiff submitted a timely Response on October 30, 2006.

Because Defendant Face Productions failed to file an answer, Plaintiff has the burden to seek entry of default and then subsequently move for entry of default judgment. *Burrell v. Henderson*, 434 F.3d 826, 830 (6<sup>th</sup> Cir. 2006). Plaintiff is ordered to request entry of default from the clerk's officer within 10 days of entry of this Order, or Face Productions will be dismissed for Plaintiff's failure to prosecute.

**IT IS SO ORDERED.**

**S/Sean F. Cox**  
**Sean F. Cox**  
**United States District Judge**

**Dated: December 26, 2006**

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PROOF OF SERVICE

I hereby certify that a copy of the foregoing document was served upon counsel of record on December 26, 2006, by electronic means and by ordinary mail upon:

Michael A. Johnson  
3501 Woodward Avenue  
Detroit, Mi 48201

S/Jennifer Hernandez  
Case Manager